Atty. Dkt. No 024051-0146

#3 21648

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Allan KEMP, II et al.

Title: CLICK BASED TRADING WITH
INTUITIVE GRID DISPLAY OF MARKET
DEPTH AND PRICE CONSOLIDATION

Appl. No.: 09/971,087

Filing Date: October 5, 2001

Examiner: Unassigned

Art Unit: Unassigned

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

Commissioner for Patents
Washington, D.C. 20231

11/14/2001 SZEWDIE1 00000031 09971087
01 FC:122   130.00 OP

Sir:

Pursuant to 37 C.F.R. §1.102 and M.P.E.P. 708.02 VIII (SPECIAL EXAMINING PROCEDURE FOR CERTAIN NEW APPLICATIONS—ACCELERATED EXAMINATION), Applicants hereby request that the above-captioned application be granted special status and examined expeditiously. In support of this Petition, Applicants submit the following under lettered headings that correspond with the lettered paragraphs of M.P.E.P. 708.02 VIII.

(A)   Petition and Fee Submitted

This Petition is supported by the enclosed check in the amount of $130, which covers the required petition fee (37 C.F.R. §1.17(i)). Please charge any deficiency or credit any overpayment to our Deposit Account No. 19-0741.

(B)   Single Invention Claimed or Election Without Traverse Will Be Made

Applicants believe that all of the claims of the present application are directed to a single invention. Additionally, Applicants hereby state that if the

1

002.662294.1

Office determines that all claims presented are not obviously directed to a single invention, that Applicants will make an election without traverse in response to an Examiner's telephone request.

(C)   Pre-Examination Search Made

A pre-examination search was conducted by a professional patent search firm. The search was conducted in the following areas of classification: Class 345, Subclasses 169, 172, 173, and 179, Class 705, Subclasses 35-37. In addition, a key word search was performed on the U.S. Patent and Trademark Office full-text computer database.

(D)   Copies of References

From the search results, Applicants have identified the references most closely related to the subject matter encompassed by the claims of the present application: U.S. Patent No. 5,297,031 to Gutterman, U.S. Patent No. 5,924,082 to Silverman et al., U.S. Patent No. 6,131,087 to Luke et al., and U.S. Patent Number 6,134,535 to Belzberg. Copies of these references have been attached and are discussed herein as mandated by M.P.E.P. 708.02. Other references discovered during the search, less relevant than those discussed herein, have been submitted concurrently herewith in an Information Disclosure Statement.

(E)   Detailed Discussion of References and Patentability of Claimed Invention

The present invention is directed to the electronic trading of commodities. Specifically, the present invention is directed to a method of displaying and a graphical user interface for displaying the market depth of a commodity traded in a market.   Both the method and the user interface include: dynamically displaying, in a bid display region, a plurality of consolidated bids for the commodity, each of the plurality of consolidated bids representing a plurality of bid quantities in the market for the commodity; dynamically displaying, in an ask display region, a plurality of consolidated asks for the commodity; each of said

2

plurality of consolidated asks representing a plurality of ask quantities in the market for the commodity; and statically displaying consolidated prices corresponding to the plurality of consolidated bids and asks, each of the consolidated prices representing a plurality of prices for the commodity, wherein the pluralities of consolidated bids and asks are dynamically displayed in alignment with the consolidated prices corresponding thereto. Also described is a method and system for placing trade orders using such displays. Specifically, the present invention includes a method and system of placing a trade order for a commodity, using a graphical user interface and a user input device and having preset parameters for trade orders. The method and system include: displaying the market depth of a commodity traded in a market, through a dynamic display, in a bid display region, of a plurality of consolidated bids for said commodity and, in an ask display region, of a plurality of consolidated asks for the commodity, aligned with a static display of consolidated prices corresponding thereto. The method and system also include initiating placement of a trade order of the commodity through a single action of the user input device with a pointer of the user input device positioned within at least one of the bid and ask display regions, wherein each of said plurality of consolidated bids and asks represents a plurality of bid and asks quantities, respectively, in the market for the commodity, wherein each of said consolidated prices represents a plurality of prices for the commodity and wherein the contents of the trade order are based in part upon the preset parameters and the position of the pointer at the time of the single action.

In sum, the invention provides a trader with a versatile and efficient tool for executing trades. It condenses a large number of price rows into a more manageable number of price rows, resulting in more expedient trading. By consolidating prices, and therefore orders, a trader reduces the risk of a favorable order scrolling from the screen prior to his hitting a bid or ask on that order at its favorable price.

U.S. Patent No. 5,297,031 to Gutterman, entitled Method and Apparatus for Order Management by Market Brokers, describes an electronic replication of a broker's management of the orders in his deck (order book). According to the reference, orders can be entered into the workstation via an electronic order entry system, and order information can be displayed. Orders can also be tracked from the time they are entered until they are returned. The workstation can be customized to receive and display selected orders (e.g. a particular type, a particular quantity, etc.).

The present invention, as claimed, is patentable over the Gutterman reference. The Gutterman system is an electronic version of a broker's "deck" or order book. An order book is a record of orders that have been submitted to a broker who may execute such orders. In contrast, the present invention displays the market depth of a commodity, not just the orders for a given broker. The present invention displays consolidated multiple prices into condensed price groups, therefore allowing for more of the market to be displayed. In contrast, the Gutterman system does not display consolidated prices, nor does the reference teach or suggest dynamically displaying consolidated bids and asks representing pluralities of bid and ask quantities in the market for the commodity, as set forth in the independent claims 1, 9 and 17. The reference also does not teach or suggest order entry using consolidated bids and asks as set forth in the independent claims 23, 31 and 39. Furthermore, the Gutterman reference does not teach or suggest order entry via a single action as recited in the claims of the present invention. Applicants respectfully submit that, for at least these reasons, the claims of the present invention are patentable over the Gutterman reference.

U.S. Patent No. 5,924,082 to Silverman et al., entitled Negotiated Matching System, describes a negotiated matching system that matches potential counter parties who are acceptable to each other based on trading and ranking information, and then allowing those two parties to negotiate and

4

finalize the terms of a transaction. Filtering, as referred to in the Silverman patent, is based on ranking information (transaction parameters) that is input into the system by each party. The ranking information is an indication of how each user ranks other users in terms of acceptability (price, quantity, etc.).

The present invention, as claimed, is patentable over the Silverman reference. The system of Silverman is primarily a matching system, whereas the present invention is a more versatile trading tool. The Silverman patent describes filtering, which ranks other users based on the acceptability of their bids and asks, and filters based on degree of acceptability. The consolidation feature of the present invention is not related to the calculation of acceptability levels for bids and asks. Silverman does not display consolidated prices, nor does the reference teach or suggest dynamically displaying consolidated bids and asks representing pluralities of bid and ask quantities in the market for the commodity as set forth in the independent claims 1, 9 and 17. The reference also does not teach or suggest order entry using consolidated bids and asks as set forth in the independent claims 23, 31 and 39. Applicants respectfully submit that, for at least these reasons, the claims of the present invention are patentable over the Silverman reference.

U.S. Patent No. 6,131,087 to Luke et al., entitled Method for Automatically Identifying, Matching, and Near-Matching Buyers and Sellers in Electronic Market Transactions, describes a method for market participants to automatically identify and match offer data with solicitation data. The buyers and sellers submit the offer and solicitation data. When there is a match, it is sorted, listed, and transmitted to the originator of the offer data according to their level of congruence, and the originator then evaluates the matching solicitation and selects a desired exchange participant.

The present invention, as claimed, is patentable over the Luke et al. reference. The system of Luke et al. is primarily a matching system, whereas

5

the present invention is a more versatile trading tool. In general, a matching system is inherently different than a trading tool in that it receives information from trading tools, then matches buyers and sellers or buy and sell orders, and relays those matches back to the trading tools. The Luke et al. system does not display consolidated prices, nor does the reference teach or suggest dynamically displaying consolidated bids and asks representing pluralities of bid and ask quantities in the market for the commodity as set forth in the independent claims 1, 9 and 17. The reference also does not teach or suggest order entry using consolidated bids and asks as set forth in the independent claims 23, 31 and 39. Applicants respectfully submit that, for at least these reasons, the claims of the present invention are patentable over Luke et al.

U.S. Patent No. 6,134,535 to Belzberg, entitled Computerized Stock Exchange Trading System Automatically Formatting Orders from a Spreadsheet to an Order Entry System, describes a graphic user interface that is used to select parameters (e.g. price selection) and launch trading orders. According to the reference, data on a group of shares is read from a spreadsheet, and multiple orders can be executed automatically within seconds when the composite price of a list of stocks meets certain predetermined parameters. The reference describes a list of preprogrammed commands being sent to the order entry system of the stock exchange with a single keystroke. This allows the trader to trade shares of a basket of different stocks almost instantaneously.

The present invention, as claimed, is patentable over the Belzberg reference. Belzberg does not address price consolidation of a commodity in accordance with the present invention. Specifically, Belzberg does not display consolidated prices for a commodity, nor does the reference teach or suggest dynamically displaying consolidated bids and asks representing pluralities of bid and ask quantities in the market for the commodity as set forth in the independent claims 1, 9 and 17. The reference also does not teach or suggest order entry using consolidated bids and asks as set forth in the independent

6

claims 23, 31 and 39. Applicants respectfully submit that, for at least these reasons, the claims of the present invention are patentable over Belzberg.

Respectfully submitted,
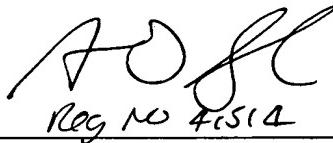
Date *November 13, 2001*

By _____
Reg No 4(S(A

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874

002.662294.1